

## PATENT COOPERATION TREATY

PCT

## NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Commissioner  
 US Department of Commerce  
 United States Patent and Trademark  
 Office, PCT  
 2011 South Clark Place Room  
 CP2/5C24  
 Arlington, VA 22202  
 ETATS-UNIS D'AMERIQUE  
 in its capacity as elected Office

Date of mailing (day/month/year) 09 February 2001 (09.02.01)	
International application No. PCT/AU00/00640	Applicant's or agent's file reference 2155D
International filing date (day/month/year) 07 June 2000 (07.06.00)	Priority date (day/month/year) 07 June 1999 (07.06.99)
Applicant EVANS, Peter, Eric	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:

05 January 2001 (05.01.01)

☐ in a notice effecting later election filed with the International Bureau on:
2. The election ☒ was
☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer A. Karkachi Telephone No.: (41-22) 338.83.38
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## PATENT COOPERATION TREATY

PCT

NOTIFICATION OF THE RECORDING  
OF A CHANGE(PCT Rule 92bis.1 and  
Administrative Instructions, Section 422)

From the INTERNATIONAL BUREAU

To:

HODGKINSON OLD McINNES  
Level 3, 20 Alfred Street  
Milsons Point, NSW 2061  
AUSTRALIE

Date of mailing (day/month/year) 09 February 2001 (09.02.01)	<b>IMPORTANT NOTIFICATION</b>  International filing date (day/month/year) 07 June 2000 (07.06.00)
Applicant's or agent's file reference 2155D	
International application No. PCT/AU00/00640	

## 1. The following indications appeared on record concerning:

☐ the applicant      ☐ the inventor      ☒ the agent      ☐ the common representative

Name and Address H.R. HODGKINSON & CO. Level 3, 20 Alfred Street Milsons Point, New South Wales 2061 Australia	State of Nationality	State of Residence
	Telephone No. (02) 9922 3199	
	Facsimile No. (02) 9956 6448	
	Teleprinter No.	

## 2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:

☐ the person      ☒ the name      ☐ the address      ☐ the nationality      ☐ the residence

Name and Address HODGKINSON OLD McINNES Level 3, 20 Alfred Street Milsons Point, NSW 2061 Australia	State of Nationality	State of Residence
	Telephone No. (02) 9922 3199	
	Facsimile No. (02) 9956 6448	
	Teleprinter No.	

## 3. Further observations, if necessary:

**The agent's new name has been considered as a change under Rule 92bis. In case of disagreement, the International Bureau should be notified immediately.**

## 4. A copy of this notification has been sent to:

<input checked="" type="checkbox"/> the receiving Office	<input type="checkbox"/> the designated Offices concerned
<input type="checkbox"/> the International Searching Authority	<input checked="" type="checkbox"/> the elected Offices concerned
<input checked="" type="checkbox"/> the International Preliminary Examining Authority	<input type="checkbox"/> other:

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland  Facsimile No.: (41-22) 740.14.35	Authorized officer  A. Karkachi  Telephone No.: (41-22) 338.83.38
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**PATENT COOPERATION TREATY**  
**PCT**  
**INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

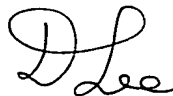
(PCT Article 36 and Rule 70)

REC'D 11 APR 2001

WIPO PCT

Applicant's or agent's file reference 2155d	<b>FOR FURTHER ACTION</b>	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).
International Application No. <b>PCT/AU00/00640</b>	International Filing Date ( <i>day/month/year</i> ) 7 June 2000	Priority Date ( <i>day/month/year</i> ) 7 June 1999
International Patent Classification (IPC) or national classification and IPC  <b>Int. Cl. <sup>7</sup> E01F 9/012, 9/013, 13/02</b>		
Applicant  EVANS, Peter Eric		

1.	This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2.	This REPORT consists of a total of 3 sheets, including this cover sheet.  <input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).  These annexes consist of a total of 4 sheet(s).
3.	This report contains indications relating to the following items:  I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 5 January 2001	Date of completion of the report 30 March 2001
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer   <b>DAVID LEE</b> Telephone No. (02) 6283 2107

**I. Basis of the report**

1. With regard to the **elements** of the international application:\*
- ☐ the international application as originally filed.
- ☒ the description, pages 1,3,4, as originally filed,  
pages , filed with the demand,  
pages 2,2a, received on 20 March 2001 with the letter of 20 March 2001
- ☒ the claims, pages , as originally filed,  
pages , as amended (together with any statement) under Article 19,  
pages , filed with the demand,  
pages 5,6, received on 20 March 2001 with the letter of 20 March 2001
- ☒ the drawings, pages 1,2, as originally filed,  
pages , filed with the demand,  
pages , received on with the letter of
- ☐ the sequence listing part of the description:  
pages , as originally filed  
pages , filed with the demand  
pages , received on with the letter of
2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.  
These elements were available or furnished to this Authority in the following language which is:
- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, was on the basis of the sequence listing:
- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished
4. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/fig.
5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims 1-12	YES
	Claims	NO
Inventive step (IS)	Claims 1-12	YES
	Claims	NO
Industrial applicability (IA)	Claims 1-12	YES
	Claims	NO

**2. Citations and explanations (Rule 70.7)**

EP 141564, EP 380272, US 5860386.


**Novelty & Inventive step - Claims 1-12**

The claims now define a preformed device that differs from the citations, and a device that performs different functions entirely from the citations.

Hence, these claims are novel and have an inventive step.

# INTERNATIONAL SEARCH REPORT

International application No.  
PCT/AU00/00640

<b>A. CLASSIFICATION OF SUBJECT MATTER</b>				
Int. Cl. <sup>7</sup> : E01F 9/012, 9/013, 13/02				
According to International Patent Classification (IPC) or to both national classification and IPC				
<b>B. FIELDS SEARCHED</b>				
Minimum documentation searched (classification system followed by classification symbols) IPC(7) : E01F 9/012, 9/013, 13/02, 9/016, 13/00 IPC (5) : E01F 9/01				
Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched AU : IPC AS ABOVE				
Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)				
<b>C. DOCUMENTS CONSIDERED TO BE RELEVANT</b>				
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.		
A	US 4852511 A (LOOK) 1 August 1989	1		
A,P	JP 11241321 A (TEKKEN KENSETSU KK) 7 September 1999	1,5		
X	EP 141564 A2 (GLASDON Ltd) 15 May 1985	5		
X	EP 380272 A1 (YAMAMOTO Co.) 1 August 1990	5		
X	US 5860386 A (SCHWAB) 19 January 1999	5		
+++++				
<input type="checkbox"/> Further documents are listed in the continuation of Box C <input checked="" type="checkbox"/> See patent family annex				
<table border="0"> <tr> <td>           * Special categories of cited documents:            "A" document defining the general state of the art which is not considered to be of particular relevance            "E" earlier application or patent but published on or after the international filing date            "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)            "O" document referring to an oral disclosure, use, exhibition or other means            "P" document published prior to the international filing date but later than the priority date claimed         </td> <td>           "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention            "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone            "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art            "&amp;" document member of the same patent family         </td> </tr> </table>			* Special categories of cited documents: "A" document defining the general state of the art which is not considered to be of particular relevance "E" earlier application or patent but published on or after the international filing date "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified) "O" document referring to an oral disclosure, use, exhibition or other means "P" document published prior to the international filing date but later than the priority date claimed	"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art "&" document member of the same patent family
* Special categories of cited documents: "A" document defining the general state of the art which is not considered to be of particular relevance "E" earlier application or patent but published on or after the international filing date "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified) "O" document referring to an oral disclosure, use, exhibition or other means "P" document published prior to the international filing date but later than the priority date claimed	"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art "&" document member of the same patent family			
Date of the actual completion of the international search 11 August 2000		Date of mailing of the international search report 18 August 2000		
Name and mailing address of the ISA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustalia.gov.au Facsimile No. (02) 6285 3929		Authorized officer  DAVID LEE Telephone No : (02) 6283 2107		

# INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No.  
**PCT/AU00/00640**

This Annex lists the known "A" publication level patent family members relating to the patent documents cited in the above-mentioned international search report. The Australian Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

Patent Document Cited in Search Report			Patent Family Member		
US	4852511	NONE			
JP	11241321	NONE			
EP	141564	GB	2148359		
EP	380272	JP	2194282	US	5020764
US	5860386	NONE			
END OF ANNEX					